

**Minutes
Windsor Town Council Meeting
Town Hall
December 23, 2008**

The Windsor Town Council met in regular session on December 23, 2008 at 3:00 p.m. in the Council Chamber of the Windsor Town Hall, Windsor, Virginia. Mayor Marvin A. Crocker, Jr. was present, and he called the meeting to order. He welcomed those who were present. He asked for anyone with cell phones to please turn them off. He asked the Deputy Clerk to call the roll. Terry Whitehead, Town Deputy Clerk, recorded the minutes. John L. Rowe, Jr., Interim Town Manager, Michael Stallings, Planning and Zoning Administrator, and Joshua Pretlow, Jr., Town Attorney were present.

Council members present:

- Greg Willis
- Carita J. Richardson
- Wesley F. Garris
- William L. Jones
- J. Clinton Bryant
- Durwood V. Scott

Mayor Crocker recognized Mr. Bobby Claud, former Town of Windsor Mayor, who was present in the audience. Mayor Crocker asked everyone to stand for a moment of silence in memory of Mr. H. Cecil Eley, former member of the Windsor Town Council, who had passed away this morning on December 23, 2008. Mayor Crocker asked Councilman Willis to give the invocation. Councilman Willis gave the invocation.

Councilman Garris said that Cecil Eley served the Town of Windsor for quite a few years and he did an excellent job. He said he was very proactive in going out and identifying problems in the Town and bringing them back to Council to be resolved. Councilman Garris said the Deputy Clerk read the Flower Policy just before the meeting, and it stated that flowers should be sent in the event of a death of an "Active" Council member. Councilman Garris made a motion to amend the Flower Policy to also include "Former" Council members. Mr. Pretlow said the Flower Policy did include "Former" Council members. Councilman Garris withdrew his motion.

Delegations, Public Comments, and Citizens Concerns

None

Consent Agenda

Mayor Crocker asked for approval of the consent agenda, which includes the minutes of the December 9, 2008 Council meeting. Councilman Jones made a motion to approve the consent agenda. Councilman Garris seconded. Mayor Crocker called for the question. Council unanimously passed the motion as recorded on the attached chart as motion #1.

Interim Town Manager's Report

MacFarland Neblett – VDOT Residency Administrator

Mr. Neblett asked Council if they had any questions or concerns. Mayor Crocker asked Mr. Neblett if he had any information regarding the pavement, as well as the concrete pads in front of the post office. Mayor Crocker said the concrete has numerous cracks in it. Mr. Neblett said he asked his Materials Engineer to examine it and report back to him. He said he has not received a report. Mr. Neblett said if they come in and tear it out and try to replace it, they may have bigger problems on their hands. He said that is why he needs to wait to get an expert opinion from his District Materials Engineer. He said he would contact the engineer again after the holidays and ask him to provide him with a report. He said he would keep Council informed.

Councilman Scott said he had asked Mr. Neblett to check into the turn going into Joyner Avenue. Mr. Neblett said he had not received a report back on that. Councilman Scott said when the pavement was completed; there were some entrances that had an inch to an inch and a half lip. Councilman Scott said some have been taken care of, but he would like Mr. Neblett to check into the ones that have not been taken care of. Mr. Neblett said he would check into this matter and report back to Council.

Councilman Garris said it has been discussed in the past identifying where the VDOT right of way line is at the intersection from Church Street to North Court Street. Mr. Neblett said he would have the right of way people search the records at the courthouse to determine where the right of way line is. He said he would report back to Council with this information.

Mayor Crocker thanked Mr. Neblett for addressing Council's transportation concerns.

Approval to Purchase "Touch Read" Meter Reading Equipment

Mr. Rowe said the capital budget for Fiscal Year 2008-2009, the current fiscal year, contains \$15,000 for the Town's continued purchase of "Touch Read" water meter reading equipment. He said this amount was included in the budget

appropriation so as to allow the Town to continue its automation of the water meter reading process.

Mr. Rowe said the Town has taken bids for the purchase of one Touch Read meter reading device, and the low bid totals \$5,689.38 and the high bid was \$6,845.00. He said the low bid is well within the budgeted amount. Mr. Rowe said even though the budget includes the funding for the purchase of this equipment, because the cost of the equipment exceeds \$5,000.00, Council must approve its purchase. He said in this regard, he recommends that Council approve the purchase of this equipment at the price of \$5,689.38.

Vice-Mayor Jones made a motion that Council approve the purchase of Touch Read meter reading equipment in the amount of \$5,689.38, and hereby authorizes and directs the Town Manager to purchase said equipment. Councilwoman Richardson seconded. Mayor Crocker called for the question. Council unanimously passed the motion as recorded on the attached chart as motion #2.

Approval of Budget Transfer

Mr. Rowe said he included in the packets a self-explanatory memorandum from Police Chief Bob Porti requesting a budget transfer of \$8,000 from budget Account Number 4-100-31100-6008, Fuel and Tires, to budget Account Number 4-100-31100-2001, Overtime. Mr. Rowe said the need for this transfer is due to a number of recent serious crimes that required lengthy investigations and multiple court hearings, as well as continued traffic enforcement, which also requires the officers to appear in court. He said this would be a transfer of funds between two budget line items within the Police Department.

Mr. Rowe said the overtime expenditures are currently within budget, but we will soon exhaust the funds within this budget line item. He said as serious crimes occur in Town, our uses of overtime is necessary for both investigating and solving the crimes; therefore, we need to transfer funds to this budget line item in order to cover overtime expenses that we anticipate that we will incur in the near future. Mr. Rowe said this budget line item will most likely need more funding towards the end of the fiscal year; when this occurs, he will come back to Council.

Mr. Rowe said he recommends that Council approve the transfer of \$8,000 from budget Account Number 4-100-31100-6008, Fuel and Tires, to budget Account Number 4-100-31100-2001, Overtime.

Councilwoman Richardson made a motion that Council transfer the sum of \$8,000 from Account Number 4-100-31100-6008, Fuel and Tires, to Account Number 4-100-31100-2001, Overtime, within the Police Department. Councilman Bryant seconded. Councilman Garriss asked how much was added

in the budget for gas for the Police Department. Mr. Rowe asked Mr. Stallings to review the memorandum with that information. Mr. Stallings reported that \$32,300 was added in the budget for gas. Mayor Crocker called for the question. Council passed the motion unanimously as recorded on the attached chart as motion #3.

Proposed New Town Charter

Mr. Rowe said at the work session prior to the Council meeting, it was the consensus of Council to not seek your General Assembly Delegation to introduce legislation in the 2009 session, but you would set a process to take place during calendar year 2009 culminating in the fall with a public hearing on a proposed new charter that you would ask your General Assembly Delegation to introduce in the 2010 session, and that you would spend the months of January through October systematically going through the proposed new charter and inviting citizen input along the way.

Councilman Willis made a motion to table the Town Charter for a series of Work Sessions between January and October for citizen's input. Councilman Garris seconded. Mayor Crocker called for the question. Council passed the motion unanimously as recorded on the attached chart as motion #4.

Report on the Collection of Delinquent Taxes

Mr. Rowe said as of Thursday, December 18, 2008, since we started this aggressive effort; we have collected the sum of \$13,146.86 in delinquent taxes, penalties, interest, and fees thus far. Mr. Rowe said he would like to commend Robin Hewett, Terry Whitehead, and Jeannie Dunlow for their hard work to recover the funds due to the Town.

Rural Development Loan – Bond Counsel Letter of Engagement

Mr. Rowe said Rural Development requires that we have a bond counsel for the implementation of its \$1,331,000 loan to the Town for water system improvements. He said the Town uses Douglas E. Lamb of Hunton & Williams LLP as its bond counsel. Mr. Rowe said he had previously sent to Council an engagement letter from Doug Lamb for his work on the Rural Development loan. He said although we are not required to obtain Rural Development's approval of the engagement letter, upon receiving Doug's letter, he sent Rural Development a copy of Mr. Lamb's letter for its review and approval. He said Rural Development responded that it had reviewed the letter, and it appears to be acceptable. Mr. Rowe said Mr. Lamb's letter is in order, and he recommended that Council adopt a motion authorizing the Town Manager to sign this letter of engagement.

Councilman Jones made a motion that Council approve the letter of engagement with Hunton & Williams LLP whereby Douglas E. Lamb, of Hunton & Williams, will serve as the Town's bond counsel for the \$1,331,000 loan from Rural Development, and authorize and direct the Town Manager to sign the engagement letter. Councilwoman Richardson seconded. Mayor Crocker called for the question. Council passed the motion unanimously as recorded on the attached chart as motion #5.

Councilman Jones asked Mr. Rowe to explain the fees and disbursements. Mr. Rowe said Mr. Lamb estimates the fee for the work as bond counsel will be in the range of \$8,500 to \$12,500. The fees are based upon the responsibilities that they will undertake pursuant to the letter, the liability they assume, the complexity of the transaction and the amount of time spent in connection with such transaction.

Town Attorney's Report - None

Mayor's Report

Mayor Crocker said a copy of the "Action List" from the Isle of Wight County Board of Supervisors' December 4, 2008 meeting is available for Council's review in the Town office.

Mayor Crocker said at the last Mayors and Chairs meeting held at the Smithfield Center, The Town of Windsor co-hosted the working lunch meeting with Isle of Wight County and The Town of Smithfield. He said the State budget was one of the main topics discussed. He said Council can find an update of the State budget on the VML website.

Mayor Crocker said he received a letter from the Virginia Department of Transportation. He said the letter stated that there will be a Commonwealth Transportation public hearing on the revised fiscal year 2009-2014 Six Year Improvement Plan, which will be held in Chesapeake on January 7, 2009 at 6:00 p.m. He said he hoped the Town Manager and anyone else who would like, will be able to attend the meeting.

Personnel Committee

Mayor Crocker said Council will need to go into closed session after this meeting.

Finance Committee – None

Fire Department/Rescue Squad Committee – None

Public Health & Safety/Streets Committee – None

Utilities/Property/Cemetery/ Committee

Councilman Jones said alternatives for meeting the space needs of the Police Department were discussed at the work session prior to the Council meeting. Councilman Jones made a motion to have a Preliminary Site Plan of the Town Hall property developed by Russell Parrish.

Mayor Crocker said Mr. Rowe and Vice-Mayor Jones put together a “step-by-step” process for the design and construction of a new Police station. He said the “step-by-step process was discussed and modified at the work session. He said it was the consensus of Council to have a preliminary site plan drawn up of the Town Hall property.

Councilman Scott seconded. Mr. Pretlow said a Traffic Engineer Study should be stated as part of the motion, if it is the intention of Council to give the Town Manager the authority to have a Traffic Engineer assist in the development of the plan. Councilman Scott withdrew his second and Councilman Jones restated his motion. Councilman Jones made a motion to authorize the Town Manager to develop a preliminary site plan of the Town Hall property using Russell Parrish, A.I.A. and a traffic engineering consultant selected by the Town Manager. Councilman Scott seconded. Mayor Crocker called for the question. Council unanimously passed the motion as recorded on the attached chart as motion #6.

Councilman Jones thanked Council for working together and making the decision to go forward with a preliminary site plan as a beginning step towards solving the space needs of the Police Department.

Economic Development

Councilman Scott said the Economic Development Committee did not have a meeting this month, but there will be a joint meeting with the Planning Commission on January 28, 2008 at 7:00 p.m. He said a member of the staff of the Port Authority will give both bodies a presentation.

Parks & Library Committee

Councilwoman Richardson said the annual Breakfast with Santa was a success this year.

Community Center Committee – None

Work Force Housing Committee – None

Other Adhoc Committees

Councilwoman Richardson thanked the Town Staff for doing an excellent job with the planning of the Tree Lighting Ceremony this year. She said she has heard a lot of great compliments.

Old or Unfinished Business

Councilman Jones said he would like Council to give feed-back or direction on re-locating the Memorial Sign in the Centennial Park behind the Town Hall, if it becomes necessary to move it due to future plans with the Police Department. He said he would like Council to give him a call with their suggestions.

Mayor Crocker said the next Council meeting will be January 13, 2009 at 7:00 p.m. He said he would like to have a work session prior to the Council meeting at 5:00 p.m. and he is hereby scheduling and calling for the same.

Closed Session

Councilwoman Richardson made a motion to go into closed session pursuant to Virginia Code Section 2.2-3711 A-1 for the purpose of discussing personnel matters. Councilman Willis seconded. Council passed the motion unanimously as recorded on the attached chart as motion #7.

Councilman Jones made a motion to go back into regular session. Councilwoman Richardson seconded. Council passed the motion unanimously as recorded on the attached chart as motion #8.

Councilman Scott made a motion pursuant to Virginia Code Section 2.2-3712, Subsection D that Council discussed only public business matters lawfully exempted from open meeting requirements, and that Council heard, discussed, or considered only such business matters as were identified in the motion that Council passed to go into closed session. Councilman Willis seconded. Council passed the motion unanimously as recorded on the attached chart as motion #9.

Councilman Jones made a motion to adjourn. Councilwoman Richardson seconded. Council passed the motion unanimously as recorded on the attached chart as motion #10. The meeting adjourned at 4:24 p.m.

Marvin A. Crocker, Jr.
Mayor

Terry Whitehead
Deputy Town Clerk